

REMARKS

Claims 1-37 are pending. Of those, claims 1, 18, 19 and 20 are independent.

Claim Clarification

By this reply, each of independent claims 1, 18, 19 and 20 has received the same clarifying amendment. In particular, each of claims 1 and 18-20 as originally-filed recited the phrase "a desired one of said plurality of indicators." The portion of that phrase "said plurality of indicators" contains the typographical error in the form of the word "said." There is no antecedent basis in each of the originally-filed independent claims for "said plurality of indicators." One of ordinary skill in the art would have recognized this typographical error and understood that the intention was to recite the phrase --a desired one of a plurality of indicators--. By this reply, Applicant has merely corrected this typographical error. Applicant submits that this clarifying change does not narrow the respective scope of the claims.

§103 Rejection Based Upon Fake et al. Patent

Beginning on page 2 of the Office Action, claims 1-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,826,062 to Fake Jr. et al. (the "Fake et al. patent") in view of U.S. Patent No. 6, 272,549 to Daniel (the "Daniel patent"), and further in view of U.S. Patent No. 6,160,555 to Kang et al. (the "Kang et al. patent"). Applicant traverses.

The Fake et al. patent addresses the following problem (lines 53-56 of column 2):

[M]any electronic mail systems are not Post Office Protocol ("POP") clients which can incorporate multi-media presentation software to handle the multi-media components of a MIME letter,
...

Where a non-POP mail system receives a MIME-type message/letter, the Fake et al. patent solves the problem by teaching that the MIME-type message is to be broken into a text message and one or more separate non-text files; see lines 56-58. It is important to note the definition of non-text files supplied by the Fake et al. patent (lines 58-61 of column 2), which is:

These non-text sub-components [i.e., files¹] 41, 43, 45, represent the multi-media images, audio files, video clips, etc., that can be embedded into MIME notes [i.e., messages].

Coincidentally, each of the present independent claims 1, 18, 19 and 20 recite the term "non-text" as part of the phrase "file of non-text display-generation date." This phrase has been defined in the present specification as being what is used by a video card to drive a video display device; see, e.g., lines 14-16 of page 5. Despite the coincidental usage of the term "non-text," the multimedia non-text files 41, 43 and 45 taught by the Fake et al. patent cannot be interpreted as files of non-text display-generation data. Paraphrasing the old cliché, it is as if the Examiner has interpreted apples to be oranges.

As the method taught by the Fake et al. patent operates upon entirely different types of files than is recited in each of the present claims, it is unnecessary to point out further distinctions, such as how a step in one of the present methods differs from what is taught by the Fake et al. patent.

¹ See, e.g., lines 32 or 36 of column 2.

Claims 2-17 and 24-37 depend at least indirectly from independent claims 1 and 20, and thus inherit the distinction noted above by dependency, respectively.

Neither the Daniel patent nor the Kang et al. patent has been cited, or could be interpreted, as a teaching of the distinction noted above. As such, the distinction noted above distinguishes over the combination of the Fake et al., Daniel and Kang et al. patents.

In view of the foregoing discussion, the §103 rejection of claims 1-37 is improper and Applicant requests that it be withdrawn.

CONCLUSION

The issues in the case were considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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